IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 416 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

K J PATEL,

Versus

STATE OF GUJARAT

Appearance:

MR BP TANNA for Petitioners

MR PREMAL JOSHI, AGP for Respondent No. 1, 2

CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 02/03/2001

ORAL JUDGEMENT

1. The petitioners have a grievance against the respondents authorities that they are not being treated to be eligible for the U.G.C. Post Graduate scale of Rs.700 - Rs. 1000 with effect from 1-4-1966. They seek a direction on the respondents to fix it appropriately on

the basis of revision of pay from time to time and direct the respondents to pay all consequential benefits.

2. Pointing out the directions given by the Division Bench in Special Civil Application No. 3404 of 1979, by which 22 posts were ordered to be created as on 1-4-1966 and it was directed to appoint all Senior Lecturers who have been named in the list, the learned counsel submitted that these directions were not being appropriately implemented. Even the treatment which was being given to similarly situated Lecturers of Non-Government Affiliated Colleges was not given to the petitioners. In other words, according to the learned counsel, the directions were not being implemented in their true letter and spirit.

3. The learned counsel appearing for the Government submitted that the Government is prepared to reconsider the matter, if a suitable representation is made. The learned counsel for the petitioner states that such a representation will be made within two weeks from today. The learned counsel for the Government states that if such a representation is made, it shall be duly considered and appropriate decision will be taken after hearing the petitioners in light of the directions given in Special Civil Application No. 3404 of 1979, within six weeks after the representation is received. It is accordingly directed that, on such representations being received, the respondents authorities shall consider the same in light of the directions given by the Division Bench in Special Civil Application No. 3404 of 1979 and the contentions that may be raised in the representation, and take decision in accordance with law within six weeks after the receipt of the representation, by affording an opportunity of hearing to the petitioners and making a speaking order.

4. In view of this arrangement, the petition does not survive. Rule is discharged with no orders as to costs.

MARCH 02, 2001 [R.K.ABICHANDANI, J.]

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